

**United States Court of Appeals**  
**For the First Circuit**

No. 02-1462

UNITED STATES OF AMERICA,

Appellee,

v.

Omar F. Genao-Sanchez,

Defendant, Appellant.

**JUDGMENT**

Entered: November 5, 2004

This cause came on to be submitted on the briefs and original record on appeal from the United States District Court for the District of Puerto Rico.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The district court's convictions of Omar F. Genao-Sanchez on counts two and three of the second superseding indictment are vacated, and the matter is remanded for a new trial on those charges if the government wishes to so proceed, and for resentencing. The conviction on count one is affirmed.

**By the Court:**

Richard Cushing Donovan, Clerk

MARGARET CARTER

By: Margaret Carter, Chief Deputy Clerk

[Certified copies to the Hon. Jose Fuste and Ms. Frances de Moran, Clerk, United States District Court for Puerto Rico. Copies to Mr. Klumper, Mr. Vega-Pacheco, Mr. Sanchez-Maceira, Ms. Torres-Pabon, Ms. Lizarribar-Masini and Ms. George.]

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FIRST CIRCUIT COURT OF APPEALS  
BOSTON, MA

By: SPD Date: 11/5/2004